



HPD

Town of Atherton

Town Administrative Offices
91 Ashfield Road
Atherton, California 94027
650-752-0500
Fax 650-688-6528

April 23, 2010

State of California
Governor's Office of Planning and Research
P. O. Box 3044
Sacramento, CA 95812-3044

State of California
Department of Housing and Community Development
1800 Third Street
Sacramento, CA 95811-6942

Enclosed please find the Annual Report for calendar year 2009 on the Status of the Atherton General Plan and Progress in its Implementation as required by California Government Code Section 65400. This report consists of the items listed below.

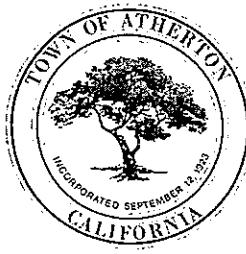
- Annual report to the Atherton City Council (legislative body) on the status of the Atherton General Plan and progress in its implementation.
- Annual Element Progress Report – Housing Element Implementation:
January 1 – December 31, 2009 (Tables A, B & C)
- Analysis of Atherton General Plan with Adopted Office of Planning and Research Guidelines.

Please accept this report for filing.

Very truly yours,

Neal J. Martin, Town Planner





Item No. _____

DATE: FOR THE CITY COUNCIL MEETING OF APRIL 23, 2010
TO: THE HONORABLE MAYOR AND CITY COUNCIL
FROM: NEAL J. MARTIN, TOWN PLANNER
SUBJECT: 2009 ANNUAL REPORT TO THE CITY COUNCIL ON THE ATHERTON GENERAL PLAN IMPLEMENTATION

RECOMMENDATION:

Accept the Annual Report and authorize its transmittal to the California Governor's Office of Planning and Research and the California Department of Housing and Community Development pursuant to Section 65400 of the California Government Code (CGC).

BACKGROUND:

The State of California Statutes of 2005 (effective January 1, 2006) require the preparation of an annual report to the local legislative body, the California Governor's Office of Planning and Research (OPR) and the California Department of Housing and Community Development (HCD) describing the following:

1. The status of the local general plan and progress in its implementation.
2. The progress in meeting its share of regional housing needs.
3. The degree to which the local general plan complies with the adopted OPR guidelines.
4. The date of the last revision to the local general plan.

2009 ANNUAL REPORT:

Status of the Atherton General Plan and Progress in its Implementation

The Atherton General Plan was updated in 2002 and adopted by the City Council on November 20, 2002. It contains Land Use, Circulation, Housing, Open and Conservation, Noise, and Community Safety Elements. The Housing Element, which is the only element required to be reviewed by HCD, has been found to be "not in compliance" with the HCD review criteria. However, the Atherton City Council adopted the Housing Element pursuant to CGC Section 65585(f)(2) and included in its resolution of adoption written findings that explain the reasons the City Council

believed that the element substantially complies with the requirements of the statute despite the findings of HCD.

In 2008 the Atherton City Council embarked on the preparation of the 2007-14 Housing Element Update. A draft of the Update was submitted to HCD in October 2009. Comments on the draft were received from HCD late December 2009. Changes and additions to the draft were resubmitted to HCD in March 2010. The Town is currently awaiting comments on the proposed changes and additions from HCD.

Atherton is essentially built out in accordance with the policies stated in the General Plan. The Sphere of Influence as adopted by the San Mateo Local Agency Formation Commission is coterminous with the current City Limits. Essentially all of the existing parcels of land have been developed with land uses consistent with the General Plan. All of the streets and highways described in the General Plan are developed to their planned capacity. The entire infrastructure needed to serve the planned land uses and population is in place with sufficient capacity to accommodate the planned land uses and population.

Progress in meeting Atherton's Share of Regional Housing Needs

CGC Section 65400(b)(2) provides: "The housing element portion of the annual report ... shall be prepared through the use of forms and definitions adopted by the Department of Housing and Community Development ..." The tables provided in Attachment 1 describe the progress made in meeting Atherton's share of regional housing needs.

Degree to which the Atherton General Plan complies with the Adopted OPR Guidelines

OPR adopted General Plan Guidelines in 2003 for use by local jurisdictions in the preparation of their general plans. The Guidelines are permissive, not mandatory and are quite extensive. Staff has prepared an analysis of the Atherton General Plan compared to the general criteria included in the Guidelines along with an evaluation of the degree to which the Atherton General Plan complies with the OPR Guidelines. That analysis is provided in Attachment 2. The analysis shows that the Atherton General Plan is in substantial compliance with the adopted OPR Guidelines with a few exceptions. During FY 2008-09 the City Council included funds in the City Budget to prepare amendments to the General Plan in order to achieve compliance with the adopted OPR Guidelines. Those draft amendments have been completed by Staff and are awaiting review and recommendation by the General Plan Committee.

Date of the Last Revision to the Atherton General Plan

The last revision to the Atherton General Plan was adopted by the City Council on November 20, 2002.

ALTERNATIVES:

1. Accept the Annual Report.

2. Provide direction to Staff for modification to the Annual Report.
3. Take no action.

FINANCIAL IMPACT:

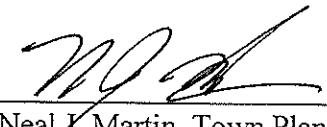
All costs associated with this project are paid for by the Town of Atherton from the Contract Planner budget.

RECOMMENDATION:

It is recommended that the City Council accept the Annual Report and authorize its transmittal to the California Governor's Office of Planning and Research and the California Department of Housing and Community Development pursuant to Section 65400 of the California Government Code (CGC).

FORMAL MOTION:

I move that the City Council accept the Annual Report and authorize its transmittal to the California Governor's Office of Planning and Research and the California Department of Housing and Community Development pursuant to Section 65400 of the California Government Code (CGC).


Neal J. Martin, Town Planner

Attachments:

1. Annual Housing Element Progress Report – Tables A – C
2. Analysis of Atherton General Plan with OPR Guidelines

**Town of Atherton
Annual Element Progress Report - 2009
*Housing Element Implementation***

Reporting Period: January 1 - December 31, 2009

Table B
Regional Housing Needs Allocation Progress
Permitted Units Issued by Affordability

Enter Calendar Year starting with the first year of the RNA allocation period.		2007	2008	2009	2010	2011	2012	2013	2014	Total Units to Date [all years]	Total Remaining RNA by income level
Income Level	RHNA Allocation by Income Level	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7	Year 8		
Very Low	Deed Restricted	19									18
	Non-Deed Restr.		1								
Low	Deed Restricted	14									14
	Non-Deed Restr.										
Moderate	Deed Restricted	16									16
	Non-Deed Restr.										
Above Moderate		34	1	0	{2}						34
Total RNA by ABAG: Enter allocation number:		83	1	1	{2}						83
Total Units Remaining Need for RNA Period											

Residential Building Permits 2007-2014

Summary

Year	Units Demo.	New Units	New 2nd Units	HIP Units	Nat
2007	19	20			1
2008	25	25	1		1
2009	17	15			{2}
2010					0
2011					0
2012					0
2013					0
2014					0
Totals	61	60	1	0	0

Town of Atherton
Annual Element Progress Report - 2009
Housing Element Implementation

Reporting Period: January 1 - December 31, 2009

Table C
Program Implementation Status

Note: The programs, objectives and deadlines described in this Table reflect those of the Adopted Atherton Housing Element for the 1999-2006 RHNA Planning Period. These will be updated when the 2007-2014 Atherton Housing Element is adopted.

Program Description (by Housing Element Program Names)	Describe progress of all programs including progress in removing regulatory barriers as indentified in the Housing Element.		
Name of Program	Objective	Deadline in H.E.	Status of Implementation
§3.410 Market Rate Housing Construction	107 New Above Market Units	2006	Net 1 new units constructed. Market has limited residential construction to reconstruction of 1 unit for each demolished unit.
§3.420 Second Dwelling Unit Program	10 New Low Income Units	2006	One new unit constructed.
§3.430 Faculty and Student Housing Program	27 New Faculty Units and 58 New Student Units in very low, low and moderate income ranges	2006	Market failed to construct any faculty or student units during the planning period.
Removal of Use Permit requirement for second dwelling units	Amend Zoning Ordinance to eliminate requirement	2006	Requirement eliminated in 2003.
Shared Housing Program implemented by the Human Investment Prog.	Continued placement of renters with willing providers	2006	One renter was placed in one Atherton home. Address is confidential.

Analysis of Atherton General Plan (AGP) with Adopted Office of Planning and Research (OPR) Guidelines
 March 30, 2010

OPR Guideline Requirement (to the extent that it is relevant)¹	Reference or Comment	Degree of Compliance
Contains all 7 mandatory elements	AGP contains Land Use, Circulation, Housing, Open Space and Conservation, Noise and Community Safety Elements.	Full
Plan is integrated and internally consistent	All elements include a section entitled "Relation to Other Elements" describing how each is integrated and internally consistent.	Full
Land Use Element		
Contains a Land Use Diagram in sufficient detail to describe land use proposals	AGP contains a Land Use Diagram with sufficient detail to describe land use proposals. Pg. LU-8	Full
Shows distribution of housing, business and industry	AGP Land Use Diagram shows proposed residential, parks, open spaces, public facilities and schools uses. Business and industry are not permitted in Atherton. Pg. LU-8	Full
Distribution of open space including agriculture	AGP Land Use Diagram shows proposed open space uses. There is no agricultural land in Atherton. Pg. LU-8	Full
Distribution of mineral resources	There are no mineral resources in Atherton.	N/A
Distribution of recreation facilities and opportunities	AGP Land Use Diagram, pg. LU-8, the Land Use Element text, pg. LU-4-5, and the Open Space and Conservation Element, pg. OS-70-72 describe the distribution of recreation facilities and opportunities.	Full
Location of education facilities	AGP Land Use Diagram, pg. LU-8, the Land Use Element text, pg. LU-6 describe the	Full

¹ Language from the OPR Guidelines.

	location of education facilities.
Location of public buildings and grounds	AGP Land Use Diagram, pg. LU-8, the Land Use Element text, pg. LU-5-7 describe the location of public buildings and grounds.
Location of solid and liquid waste facilities	The Land Use Element text, pg. LU-6-7 describes the location of solid and liquid waste facilities.
Identification of areas subject to flooding	The Land Use Element text, pg. LU-7 identifies areas subject to flooding.
Identification of Timber Preserve Zone lands	There are no Timber Preserve Zone lands in Atherton.
Contains standards for population intensity and building intensity	The Land Use Element text, pg. LU-2-3 contains standards for population intensity and building intensity.
Circulation Element	
Contains definitions and descriptions of:	
Major thoroughfares	The Circulation Plan Diagram, pg. LU-8 and the Circulation Element text, pg. CI-9-11 define and describe major thoroughfares; freeways, highways, minor arterials, collectors, local streets and street standards.
Transportation routes	The Circulation Plan Diagram, pg. LU-8 and the Circulation Element text, pg. CI-9-15 defines and describes transportation routes.
Terminals	The Circulation Element text, pg. LU-13, defines and describes the local rail terminals.
Other local public utilities and facilities including railroads, airports and parking.	The Circulation Element text, pg. CI-12-15 defines and describes scenic roadways, transit and rail traffic, bicycle and pedestrian facilities. There are no airports close to Atherton.
Housing Element	
See Attachment 1	

Open Space and Conservation Element	The Conservation Element should address water and its hydraulic force, forests, soils, rivers and other waters, harbors, fisheries, wildlife, minerals and other natural resources.	There are no rivers, harbors, fisheries or commercial mineral resources in Atherton. The AGP Open Space and Conservation Element text, pg. OS-71 addresses protection of scenic resources, significant stands of natural vegetation, wildlife habitat, sensitive environmental resources (e.g. streambeds), and archaeological resources.	Full
Open Space Element	The Open Space Element should address open space for the preservation of natural resources, for the managed production of resources, for outdoor recreation and for public health and safety.	AGP Open Space and Conservation Element text, pg. OS-70-72, the Land Use Diagram, pg. LU-8 and the Land Use Element text, pg. LU-4-5 address open space for the preservation of natural resources, for the managed production of resources, for outdoor recreation and for public health and safety.	Full
Noise Element	The Open Space Element should contain an open space action program	AGP Open Space and Conservation Element text, pg. OS-71-72 contains an Open Space Action Program.	Full
Issues to be addressed include:			
Major noise sources, both mobile and stationary	AGP Noise Element text, pg. N73-75 describes the major community noise sources.	Full	
Existing and projected levels of noise and noise contours for major noise sources	AGP Noise Element diagram, pg. N-80 provides existing and projected noise contours for major noise sources.	Full	
Existing and projected land uses and locational relationship to existing and projected noise sources	AGP Noise Element text, pg. N73-75 describes the existing and projected land uses and locational relationship to existing and projected noise sources	Full	
Existing and proposed sensitive receptors, including hospitals, schools, and parks	Existing and proposed sensitive receptors are Not in		

convalescent homes, schools, churches and sensitive wildlife habitat	not addressed in the AGP Noise Element	Compliance
The extent of “noise problems in the community”	AGP Noise Element text, pg. N73-75 describes the extent of “noise problems in the community”	Full
Method of noise attenuation	AGP Noise Element text, pg. N76-78 describes noise mitigation measures.	Full
Implementation measures and possible solutions that address existing and foreseeable noise problems	AGP Noise Element text, pg. N76-78 describes implementation measures and possible solutions that address existing and foreseeable noise problems	Full
Community Safety		
Issues to be addressed include:		
Seismically induced surface rupture, ground shaking, ground failure, tsunami, seiche, and dam failure	AGP Community Safety Element text, pg. CS-82 addresses seismically induced surface faulting, ground shaking, ground failure and water waves (seiche). Tsunami is not a hazard in Atherton since the Town does not border on the Bay or Ocean. Dam failure is not addressed.	Substantial
Slope instability leading to mudslides and landslides	Slope instability is not addressed in the AGP Community Safety Element.	Not in compliance
Subsidence, liquefaction, and other seismic hazards identified on seismic hazard maps	Neither subsidence nor liquefaction is addressed in the AGP Community Safety Element.	Not in compliance
Flooding	There are no flood zones in Atherton	N/A
Wildland and urban fires	AGP Community Safety Element text, pg. CS-81 addresses major fire incidents.	Full
Evacuation routes and signage	AGP Community Safety Element text, pg. CS-82-83 addresses evacuation routes. Route signage is not addressed.	Partial
Peak load water supply requirements	AGP Community Safety Element text, pg. CS-81 addresses peak load water supply	Full

	requirements.		
Minimum road widths and turnouts	AGP Circulation Element text, pg. CI-12 addresses minimum road widths.	CI-12	Full
Clearances around structures	Clearances around structures are addressed in the AGP Community Safety Element.	not in compliance	